PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:	**Title:**	**SYSTEM AND METHOD FOR INDUCING HYPOTHERMIA WITH ACTIVE PATIENT TEMPERATURE CONTROL EMPLOYING CATHETER-MOUNTED TEMPERATURE SENSOR AND TEMPERATURE PROJECTION ALGORITHM**
Steve A. Yon, et al.		
Serial No.: 10/767,782	**Examiner:**	**Not Yet Known**
Filed: January 28, 2004	**Group Art Unit:**	**3739**

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

The following items are being submitted for this Information Disclosure Statement:

1. _X_ Preliminary Statements

2. _X_ FORM PTO - 1449

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on:

November 16, 2004
(Date of Deposit)

Brenda Geiger
(Name of the Person Making the Deposit)

Brenda Geiger
(Signature)

November 16, 2004
(Date of Signature)

1. Preliminary Statements

Applicants cite herewith patents, publications or other information of which they are aware, which they believe may be material to the examination of this application and in respect of which there may be a duty to disclose in accordance with 37 CFR 1.56.

The filing of this information disclosure statement shall not be construed as a representation that a search has been made, an admission that the information cited is, or is considered to be, material to patentability or that no other material information exists.

The filing of this information disclosure statement shall not be construed as an admission against interest in any manner.

No fee is believed to be due in connection with this submission as this Information Disclosure Statement is being filed within three (3) months of the application filing date or before receipt of the First Office Action.

However, if any fees are required in connection with this paper, authorization is hereby given to the Commissioner for Patents to charge same to Deposit Account No. 50-0914.

Date: Nov. 15, 2004

Mark D. Wieczorek
Attorney for Applicants
Registration No. 37,966

Innercool Therapies, Inc.
3931 Sorrento Valley Blvd.
San Diego, CA 92121
Phone: (858) 677-6390
Fax: (858) 677-6391

Please type a plus sign (+) inside this box ^ [+]

PTO/SB/08B (10-96)
Approved for use through 10/31/99, OMB 0651-0031
Patent and Trademark Office: U.S./DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449B/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sheet 1 of 4

Complete if Known	
Application Number	10/767,782
Filing Date	January 28, 2004
First Named Inventor	Yon
Group Art Unit	3739
Examiner Name	Not Yet Known
Attorney Docket Number	135001

U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No.[1]	U.S. Patent Document Number	Kind Code[2] (if known)	Name of Patentee or Applicant of Cited Document	Date of Publications of Cited document MM-DD-YYYY	Pages, Column, Lines, Where Relevant Passages or Relevant Figures Appear
	A1	6,194,899		Ishihara, et al.	02/27/01	
	A2	20010002442		Dobak, III	05/31/01	
	A3	20010014802		Tu	08/16/01	
	A4	6,303,156		Ferrigno	10/16/01	
	A5	20020032473		Kushnir, et al.	03/14/02	
	A6	20020068877		Abramovitch, et al.	06/06/02	
	A7	4,532,414		Shah et al.	07/30/85	
	A8	5,733,319		Neilson et al	03/31/98	
	A9	4,707,587		Greenblatt	11/17/87	
	A10	5,741,248		Stern et al	04/21/98	
	A11	4,298,006		Parks	11/03/81	
	A12	5,257,635		Langberg	11/02/93	
	A13	4,894,164		Polaschegg	01/16/90	
	A14	5,391,142		Sites et al	02/21/95	
	A15	4,153,048		Magrini	05/08/79	
	A16	4,236,527		Newbower et al	12/02/80	
	A17	4,375,169		Torresin	03/01/83	
	A18	5,861,021		Thome et al	01/19/99	
	A19	20030092975		Casscells, III, et al.	05/15/03	
	A20	20030114903		Ellingboe	06/19/03	
	A21	6,231,594		Dae	05/15/01	
	A22	6,149,673		Ginsburg	11/21/00	
	A23	6,149,676		Ginsburg	11/21/00	
	A24	5,395,331		O'Neill, et al.	03/07/95	
	A25	4,739,492		Cochran	04/19/88	
	A26	4,793,352		Eichenlaub	12/27/88	
	A27	4,796,640		Webler	01/10/89	
	A28	4,819,655		Webler	04/11/89	
	A29	4,871,351		Feingold	10/03/89	
	A30	5,241,951		Mason, et al.	09/07/93	
	A31	5,330,519		Mason, et al.	07/19/94	
	A32	5,437,673		Baust, et al.	08/01/95	
	A33	5,531,776		Ward, et al.	07/02/96	
	A34	5,716,386		Ward, et al.	02/10/98	
	A35	6,296,654		Ward	10/02/01	
	A36	5,891,094		Masterson, et al.	04/06/99	
	A37	6,336,911		Westerbeck	01/08/02	

Examiner Signature		Date Considered	

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

[1]Unique citation designation number. [2]Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

Please type a plus sign (+) inside this box ^ [+]

PTO/SB/08B (10-96)
Approved for use through 10/31/99, OMB 0651-0031
Patent and Trademark Office: U.S./DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449B/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sheet 2 of 4

Complete if Known	
Application Number	**10/767,782**
Filing Date	**January 28, 2004**
First Named Inventor	**Yon**
Group Art Unit	**3739**
Examiner Name	**Not Yet Known**
Attorney Docket Number	**135001**

	A38	5,403,281		O'Neill, et al.	04/04/95	

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No.[1]	Foreign Patent Document Office[3]	Number[4]	Kind Code[5] (if known)	Name of Patentee or Applicant of Cited Document	Date of Publications of Cited document MM-DD-YYYY	Pages, Column, Lines, Where Relevant Passages or Relevant Figures Appear	T[6]
	B1	WO	WO 01/87174		Atrionix	11/22/01		
	B2	WO	WO 02/19934		Atrionix	03/14/02		
	B3	EP	EP0696176B1		Blosense Webster, Inc.	07/03/02		
	B4	EP	EP0428505B2		Gambro Lundia AB	03/14/01		

Examiner Initials*	Cite No.[1]	OTHER PRIOR ART—NON-PATENT LITERATURE DOCUMENTS Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T[2]
	C1	Anon; "Automatic Feedback Instrumentation for Hospital Room Utilizing Microsensors"; IBM Technical Disclosure Bulletin; Vol. 29, No. 3, page 1320 (August 1986).	
	C2	Babbs, Charles F. et al.; "Theoretical Basis for Controlling Minimal Tumor Temperature During Interstitial Conductive Heat Therapy"; IEEE Transactions on Biomedical Engineering, Vo. 37, No. 7; pages 662-672 (July 1990).	
	C3	Behmann, F.W., et al.; "Heat Generation Control during Artificial Hypothermia: I: Experimental Examination of the Influence of Anesthetic Depth"; Pflügers Archiv, Bd. 266, S. 408-421 (1958) (German article with English translation).	
	C4	Behmann, F.W; "Heat Generation Control during Artificial Hypothermia: II. Theoretical Examinations"; Pflügers Archiv, Bd. 266, S. 422-446 (1958) (German article with English translation).	
	C5	Behmann, F.W.; "Regulation of heat production in experimental hypothermia of homothermal animals"; Naunyn Schmiedebergs Arch Exp Pathol Pharmakol; 228 (1-2): 126-128 (1956). (German article with English translation).	
	C6	Behmann, F.W.; "Heat Generation Control during Artificial Hypothermia, an article about the economic problem of trembling stages"; Pflügers Archive, Vol. 263, pages 166-187 (1956) (German article with English translation).	
	C7	Behmann, F.W., et al.; "Intravascular Cooling, a Method to Achieve Controllable Hypothermia"; Pflügers Archive, Vol. 263, pages 145-165 (1956) (German article with English translation).	
	C8	Benzinger MD, Maria; "Tympanic thermometry in surgery and anesthesia"; JAMA; Vol. 209, No. 8; pages 1207-1211 (August 25, 1969).	

Examiner Signature		Date Considered	

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

[1][2]Unique citation designation number. [2]Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

Please type a plus sign (+) inside this box ^ [+]

PTO/SB/08B (10-96)
Approved for use through 10/31/99, OMB 0651-0031
Patent and Trademark Office: U.S./DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449B/PTO				Complete if Known	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT				Application Number	**10/767,782**
				Filing Date	**January 28, 2004**
				First Named Inventor	**Yon**
				Group Art Unit	**3739**
(use as many sheets as necessary)				Examiner Name	**Not Yet Known**
Sheet	3	of	4	Attorney Docket Number	**135001**

	C9	Bone, M.E., et al.; "Bladder Temperature as an Estimate of Body Temperature During Cardiopulmonary Bypass"; Anaesthesia; Vol. 43; pages 181-185 (1988).	
	C10	Carroll, Diane L., et al.; "A comparison of measurements from a temporal artery thermometer and a pulmonary artery thermistor—preliminary results"; available at http://pcs.mgh.harvard.edu/CCPD/Nursing_Research/Research_Abstracts_2003.asp#temporal	
	C11	Dallas, W. Gordon; "Gorman-Rupp Hypothermia Machine"; Health Devices (November 1971-April 1972). pgs. 190-191	
	C12	DeFord, J. A. et al.; "Design and Evaluation of Closed-Loop Feedback Control of Minimum Temperatures in Human Intracranial Tumours Treated with Interstitial Hyperthermia"; Med. & Biol. Eng. & Comput.; Vol. 29; pages 197-206 (March 1991).	
	C13	Fulbrook, Paul; "Core Body Temperature Measurement: A Comparison of Axilla, Tympanic Membrane and Pulmonary Artery Blood Temperature"; Intensive and Critical Care Nursing; Vol. 13; pages 266-272 (1997).	
	C14	Gentilello MD, L.M.; "Advances in the Management of Hypothermia"; Surgical Clinics of North America; Vol. 75, No. 2; pages 243-257 (April 1995).	
	C15	Gerbrandy et al.; "Oral, Rectal, and Esophageal Temperatures in Relation to Central Temperature Control in Man"; Clin Sci (Lond); Vol. 13, No. 4: pages 615-624. (November 1954)	
	C16	Haley, et al.; "A Randomized Tirilazad Mesylate in Patients with Acute Stroke (RANTTAS). The RANTTAS Investigators"; Stroke; Vol. 27, No. 9; pages 1453-1458 (1996).	
	C17	Hayes, B., et al.; "Temperature Control in Extracorporeal Circulation"; Br Med J. 1968 Aug 17;2(615):430.	
	C18	Hederer, G., et al.; "Animal Experiment Observations Regarding Cardiac Surgery under Intravascular Hypothermia"; Labgebbecjs Arch. U. Dtsch. A. Chir., Bd. 283, S. 601-625 (1957) (German article with English translation)	
	C19	Hills, Gordon A., et al.; "Apparatus For Controlling Temperature of Catheter Contents in Cold Environments"; Laboratory Animal Science; Vol. 27, No. 6; pages 1028-1030 (December 1977).	
	C20	Holzman, Steven, et al.; "The Effect of In-Line Microwave Energy on Blood: A Potential Modality for Blood Warming"; Journal of Trauma; Vol. 33, No. 1; pages 89-94 (July 1992).	

Examiner Signature		Date Considered	

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.
[1][2]Unique citation designation number. [2]Applicant is to place a check mark here if English language Translation is attached.
Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and trademark Office, Washington, DC 20231.
DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

Please type a plus sign (+) inside this box ^ [+]

PTO/SB/08B (10-96)
Approved for use through 10/31/99, OMB 0651-0031
Patent and Trademark Office: U.S./DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449B/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sheet 4 of 4

Complete if Known	
Application Number	**10/767,782**
Filing Date	**January 28, 2004**
First Named Inventor	**Yon**
Group Art Unit	**3739**
Examiner Name	**Not Yet Known**
Attorney Docket Number	**135001**

	C21	Jackson, Donald, et al; "Hypothermia : IV. Study of Hypothermia Induction Time with Various Pharmacological Agents (24617)"; Proc Soc Exp Biol Med.; 100(2): 332-335 (February 1959).	
	C22	Kinney, Thomas B, et al.; "Optimizing Myocardial Hypothermia: I. Temperature Probe Design and Clinical Inferences"; Ann Thorac Surg; Vol. 51; pages 278-283 (1991).	
	C23	Iyodenshi To Seitai Kogaku; "Sensor Technology to Control Artificial Organs" (in Japanese); Vol. 22, No. 4; pages 295-300 (Aug. 1984).	
	C24	Lacis, A.T., et al.; "A Device for Surface Cooling and Rewarming in Operations on the "Dry" Heart in Babies and Children During Moderate, Deep and Profound Hypothermia" Aust. N.Z. J. Surg.; Vol. 46, No. 1; pages 29-31 (February 1976).	
	C25	Matsukawa, T. et al.; "Comparison of Distal Oesophageal Temperature with "Deep" and Tracheal Temperatures"; Can J. Anaesth; Vol. 44, No. 4; pages 433-438 (1997).	
	C26	McWilliams, Roger; "Gorman-Rupp Hypothermia Machine"; Gorman-Rupp Industries Division; Health Devices; pages 263-265 (July-August 1972).	
	C27	Moller, P. H. et al.; "Temperature Control and Light Penetration in a Feedback Interstitial Laser Thermotherapy System"; Int. J. Hyperthermia; Vol. 12, No. 1; pages 49-63 (January 1996).	
	C28	Olshausen, K. et al.; "An Isothermal Flow Meter with Improved Frequency Response for Measuring Tissue Blood Flow"; Pflügers Archive; Vol. 367; pages 97-102 (1976).	
	C29	Shiraki, K., et al.; "Esophageal and Tympanic Temperature Responses to Core Blood Temperature Changes During Hyperthermia"; J Appl Physiol.; Vol. 61, No. 1; pages 98-102 (1986).	
	C30	TE Technology, Inc.; "TE technology/Temperature Controllers" (December 19, 2000) available at: http://www.tetech.com/temp/tc24-25.html	

Examiner Signature		Date Considered	

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.
[1]Unique citation designation number. [2]Applicant is to place a check mark here if English language Translation is attached.
Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.